

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re)	
)	Case No: 09-05081-FLK11
SHUMATE SPOKANE, LLC,)	
)	REQUEST FOR ENTRY OF ORDER
)	GRANTING APPLICATION AND
)	MOTION
Debtor.)	

COMES NOW the undersigned and, based on the following representations and cited documents, requests that the Court grant the Application and Motion filed on behalf of **Shumate Spokane, LLC** on **November 4, 2009 and December 1, 2009, respectively** as Docket #s **139 and 173** for *(Brief description of motion with reference to rule or other authority)* an **Order: 1) Approving Employment Of Macatee Brokers Group, LLC d/b/a Sunbelt Powersports M&A As Advisor By Debtors In Possession; 2) Pre-Approving Terms Of Engagement Agreement Pursuant To 11 U.S.C. § 328(a); And 3) Shortening Time** and that the related proposed order which was or will be submitted as noted below be entered:

- A. ☒ as an ex parte order where either no notice was required or where there are no pending objections following notice and hearing, as noted below; or
- B. ☐ in anticipation of a hearing scheduled on _____ before Judge Frank L. Kurtz and that was specifically requested by the Court or required by Local Rule to be submitted; or
- C. ☐ as a result of an actual hearing held on _____ before Judge Frank L. Kurtz and that was specifically requested by the Court to be submitted.

Dated: 12/15/09

/s/ Barry W. Davidson

(Signature)

Typed Name of Attorney: Barry W. Davidson

Phone Number: (509) 624-4600

THE FOLLOWING STATEMENTS ARE MADE UNDER PENALTY OF PERJURY:

Notice: (Docket # 176)

12/02/09 Date Notice was Mailed

23 Number of Days Required by Related Rule for the Filing of Objections

7 Number of Days Given in the Notice for the Filing of Objections

(Includes three (3) additional days required by FRBP 9006, if notice was by mail.)

Certificate of Mailing: (Docket # 180) or ☐ Notice Was Not Required for this Matter

Check all that are applicable

- ☒ The Master Mailing List (MML) or Limited Mailing List (LML) used and attached to the Certificate of Mailing was retrieved from the data base of the Court on **December 1, 2009**;
- ☐ Notice was not required to be given to the Master Mailing List (MML), but notice was given to the parties noted on the Certificate of Mailing;
- ☐ Service was made in accordance with FRBP 7004 upon the affected parties as noted on the Certificate of Mailing.

Objections:

- ☒ There are no pending objections *(either there were no objections, any objections have been withdrawn or the proposed order is endorsed by all objecting parties.)*

Related Items:

(Docket # **140**) **Certificate of Service of Application on U.S. Trustee**
(Docket #) _____
(Docket #) _____
(Docket #) _____

Dated: **12/15/09**

/s/ Corinne E. Nickerl

(Signature)

Name: Corinne E. Nickerl

Phone Number: (509) 624-4600

Request for Entry of Order

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re . . .

**JOHN MICHIAL SHUMATE and
JENNIFER D. SHUMATE,**

Debtors.

No. **09-05078-FLK11**
Chapter **11**

SHUMATE, INC.,

Debtor.

No. **09-05079-FLK11**
Chapter **11**

In re . . .

SHUMATE TRI-CITY, LLC,

Debtor.

No. **09-05080-FLK11**
Chapter **11**

In re . . .

SHUMATE SPOKANE, LLC,

Debtor.

No. **09-05081-FLK11**
Chapter **11**

**ORDER: 1) APPROVING EMPLOYMENT OF MACATEE BROKERS GROUP, LLC
D/B/A SUNBELT POWERSPORTS M&A AS ADVISOR BY DEBTORS IN
POSSESSION; 2) PRE-APPROVING TERMS OF ENGAGEMENT AGREEMENT
PURSUANT TO 11 U.S.C. § 328(a); AND 3) SHORTENING TIME**

THIS MATTER having come on regularly for hearing upon the Application
For Approval Of Employment Of Macatee Brokers Group, LLC d/b/a Sunbelt

1 Powersports M&A As Advisor Under 11 U.S.C. Section 328(a) By Debtors In
 2 Possession (the "Application") and the Motion For Order Pre-Approving Terms Of
 3 Engagement Agreement Between Debtors In Possession And Macatee Brokers
 4 Group, LLC d/b/a Sunbelt Powersports M&A Pursuant To 11 U.S.C. § 328(a),
 5 And Shortening Time For Notice (the "Motion"), and it appearing from the records
 6 and files herein that due notice of said Application and Motion was provided to
 7 the United States Trustee and all creditors and parties in interest, and no
 8 objections having been received, and the Court being fully advised in the
 9 premises, and the appointment not being prohibited by Rule 5002; NOW
 10 THEREFORE,
 11

12
 13 IT IS HEREBY ORDERED that the employment of MACATEE BROKERS
 14 GROUP, LLC d/b/a SUNBELT POWERSPORTS M&A, 320 Decker Drive, Suite
 15 100, Irving, Texas 75062, as advisor for John Michial Shumate and Jennifer D.
 16 Shumate, Shumate, Inc., Shumate Tri-City, LLC, and Shumate Spokane, LLC, is
 17 approved subject to the terms and conditions set forth in this Order, the
 18 Application, the Engagement Agreement, and 11 U.S.C. Section 328.
 19

20
 21 IT IS FURTHER ORDERED that, in addition to approval of the Bankruptcy
 22 Court, any sale of the assets or ownership of Shumate Spokane, LLC or Shumate
 23 Tri-City, LLC is subject to the prior written approval of Harley-Davidson Motor
 24 Company.
 25

IT IS FURTHER ORDERED that the terms of compensation as set forth in

1 the Engagement Agreement are pre-approved pursuant to 11 U.S.C. Section
2 328(a); provided, however, that the Court may allow compensation different from
3 the compensation provided under the terms and conditions of the Engagement
4 Agreement, after the conclusion of such employment, if such terms and
5 conditions prove to have been improvident in light of developments not capable of
6 being anticipated at the time of the fixing of such terms and conditions.
7

8 IT IS FURTHER ORDERED that the Engagement Agreement, attached to
9 the Application and Motion, is hereby approved, subject to the conditions set
10 forth above.
11

12 IT IS FINALLY ORDERED that time for notice of the Application is
13 shortened to a period of seven (7) days, including time for mailing.
14

15 Presented by:

16 DAVIDSON BACKMAN MEDEIROS PLLC

17 /s/ Barry W. Davidson
18 Barry W. Davidson, WSBA No. 07980
19 Attorney for John Michial Shumate and
20 Jennifer D. Shumate

21 SOUTHWELL & O'ROURKE, P.S.

22 /s/ Dan O'Rourke
23 Dan O'Rourke, WSBA No. 04911
24 Attorney for Shumate, Inc.
25

1 PAUKERT & TROPPEMANN PLLC

2 /s/ Michael J. Paukert

3 Michael J. Paukert, WSBA No. 20237
4 Attorney for Shumate Tri-City, LLC

5 EWING ANDERSON, P.S.

6 /s/ David E. Eash

7 David E. Eash, WSBA No. 06684
8 Delian P. Deltchev, WSBA No. 36908
9 Attorney for Shumate Spokane, LLC
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